M 778 of the most disparate and incongruous objects, [22] white, black, or red clay, ngula /Ed., redwood powder/, chicken feet, heads, beaks, claws, and feathers, shells, palm nuts, etc., all mixed together in a large pot or in an old worn basket. It is from this magic treasure that the fetisher takes a pinch or two which he wraps carefully in a little bag and hands over to those who resort [T 771] to him. As for the human figurines so often found in the huts of the Bateke and Banfumu, we do not believe that they are fetishes. In our opinion, they are guardian figurines for children, carved before their birth and preserved until they reach marriageable age.

M 791 824 Some fetishers manage to gain quite a reputation, and their services are purchased for a very high fee. They are familiar with the properties of certain plants, and they keep this knowledge secret and exploit it as much as possible. It would be wrong to believe that the fetisher's practices are all based on mystification.

M 278 696 Ebandia, the high chief of the Mosengere, knew the secret of certain poisons. He knew effective remedies for certain kinds of festering wounds; he proportioned the quantity of poison at ordeals so as to make its action violent or slow, and he was familiar with an antidote which cancelled out the effects of the poison.

M 278 695 694 A few hours before our arrival at Penge, Ebandia had subjected [23] one of his wives to trial by poison, on the mere suspicion that she might have gone too far with a native during a slightly prolonged stay in the forest. Ebandia accused her of adultery, prepared the beverage, and compelled the poor woman to prove her innocence by taking the poison. The unfortunate creature rebelled. A quarrel arose, and the village natives, when informed of the matter, protested against it, to no avail, however. The old tyrant carried out the ordeal. He had been notified of our impending arrival, and after allowing the unfortunate woman to suffer horribly for nearly two hours, he gave her the antidote. Five hours later, all the effects of the poison were gone. [Ed., the text is not translated from the last paragraph, page 23, to the second paragraph, page 26.]

T 764 [26] In general the natives have a kind of cult of the dead. In the Bateke-Banfumu region, the corpse is wrapped in fabrics. The more important the deceased person is, the larger the bundle. His whole wealth in fabrics goes with him to the grave. Prior

574 576 even answer her husband, but he may indicate his presence by coughing lightly.

514 576 578 831 Any infraction of these rules is considered a grave insult. A person offended in this manner may seek revenge by violent means, either personally or through the medium of his son, brother, etc. According to native justice he will always be in the right, even if the quarrel becomes bloody. The simple act of uttering obscenities while passing in front of a house in which there is someone who is entitled to the speaker's respect may result in reprisals by the latter. (1)

1. See Jadot, Blancs et Noirs au Congo belge [Whites and Blacks in the Belgian Congo], p. 90.

578 894 Crude language is especially reprehensible and wounding if it contains allusions to incest or other reflections on a relative whom the speaker wants to insult. And it must be admitted that such expressions may go beyond the limits (for example: coi cum patre, matre, fratre, sorore, etc.). In connection with this topic it should be noted that reference is always made to a relative of the opposite sex to that of the person who is directly or indirectly being addressed. Furthermore, licentious talk and the use of indecorous language are more severely condemned when they take place in the presence of [554] women and old people [60] or are said by a slave in front of his master, by a Bonwa in front of a Bootô (1).

1. See Introduction, footnote 2, p. 4.

578 684 894 If a man catches anyone uttering obscenities in front of his wife, especially if they are addressed to her personally, he can start action in adultery proceedings. If the woman refuses to listen to the seducer, she will not answer him, or sometimes, annoyed at the insult, she may retort by insulting his mother. She can complain, but generally she does not do so. Is she ashamed, or is she afraid that the tempter might make public some excess in her conduct which he has discovered? In any case a woman is more sensitive than a man to the

shame of obscenities. They say: bleki nɔ̃nvi ɛ̃ã bitɔ̃li ɛ̃ kɔ̃moto. Bɔ̃moto ndɛ̃ ndota (itɔ̃fɛ̃) "A woman is a ndota snake. Just as that reptile twists through the grass and rolls up as soon as it sees a man approaching, so a woman finds it difficult to endure any obscenity."

The ideal way to be sure whether an expression is actually considered indecent is to check whether it may be used in the presence of a close relative, for a Nkundɔ̃ never utters an obscenity in front of such a person.

Among the Nkundɔ̃, as in Europe, certain indelicate exclamations are so deeply rooted that they seem to have lost their original meaning, that is, most of the population no longer thinks of it at all. That a few more serious and modest individuals are still aware of it is apparent from the way they change the pronounciation of the terms in question.

Licentious expressions are never considered indecent and shock no one when they are uttered in a group or during group activities. Such activities include communal fishing and hunting expeditions, [61] drinking parties, dances, funerals, and -- at the present time -- communal work on a road, a resthouse, etc.

Thus we see that in these matters there is a remarkable discretion side by side with a certain degree of tolerance, which may be carried quite far. Licentious remarks are not condemned in themselves, but only because of fortuitous circumstances, so we see that the Nkundɔ̃ do not consider them from a moral point of view, as we do, but from a social one. But the fact that those are precisely the words which can become indecent and socially bad shows that the native sees in their content something shocking, shameful, some quality likely to give offense. The freedom exercised in certain cases does not alter this general conclusion but simply gives evidence of he inclinations of a passionate nature.

3. Dances

Nkundɔ̃ dances change periodically, as is the fashion in Europe. Old dances are given up after a time and are replaced by others which are newly invented or recently introduced. The dances fashionable at the present time came from the Besongɔ̃, who are by

369 548 2) There is a considerable excess of bachelors over eligible women.

[694] 3) The freedom to commit adultery: no sanctions were provided.[1]

[536] 4) The difficulty of finding a suitable husband experienced by many girls born in the centers. Marriages between individuals belonging to different groups (especially certain ones) seldom last. And since inhabitants of the centers have no fixed or stable residence, they intend sooner or later to go back to their tribe of origin. Serious-minded parents therefore discourage and thwart these "mixed" marriages. (1)

1. On this subject, read Jadot's fine page in Blancs et Noirs au Congo Belge [Whites and Blacks in the Belgian Congo], p. 132, beginning: "La prostitution devait inevitablement . . . (Prostitution was inevitably . . .).

[361] In the region under discussion there are only a few lightly populated centers: plantations, government or business stations, and small commercial centers. From time to time the bachelors there satisfy their desires with the wives of their fellow workers, and especially with women who come from the interior to sell their products at market. But they do not avoid one of the consequences of prostitution, namely the spreading of venereal diseases.

It is possible to conclude that in the past prostitution existed only in a very broad sense [75] and there was very little of it. In [114] Engel's article, "Les Wangata" op. cit., he writes that among the Wangata "prostitution no longer exists." If the eminent author is using the term according to the meaning in the dictionary, we may ask on what basis he is implicitly stating that this institution existed in the past. If prostitution is broadly defined, then the facts contradict his remark, for actually it has not ceased to develop among the tribes he discussed, who are located very close to the city of Coquilhatville and its various suburbs.

[1] [i.e., in the centers.- Analyst]

What happens is that when such a woman goes to live with her husband and her child is too young to remain with his grandparents, she takes him along. Later when the boy reaches adulthood, he sometimes settles with the clan of his mother's husband and produces a posterity. But he is more or less discredited by the adopting clan (and by the others). He has no political rights there, no mpifo. His posterity is called mbɔ̂sɔlɛ́ (from mbɔ̂sa, "behind" and bɔlɛ́, "clan of origin"). (2) Its members may marry members of the adopting clan,

2. They also say "he was brought in the sling," bɔ̂yɛ́lákí ndá lómbɛ́.

excepting of course the descendants of their common mother. They also have their own cemetery. They thus form a separate clan within the village.

The practice of "bringing a child in the sling" seems to be disappearing at the present time, because everyone wants to remain in his own clan. Government policy deprives natives who do not live with their own families of almost all their rights. Moreover, [91] today it is much easier than in the past to procure the means for establishing a home. This last problem was certainly an important reason why a man would settle with the clan of his mother's husband.

The preceding clearly shows that a lover by whom an unmarried girl has a child incurs no blame, penalty, or fine. He has no obligation to care either for the mother or the child. Neither justice nor propriety requires him to marry the unwed mother. No indemnity is exacted.

There is only one exception: that is, if the mother dies as a result of the pregnancy or the delivery, or if the child is stillborn or born sickly, deformed, or crippled. In such cases the lover has to pay a heavy indemnity (mbɛ́lákà) (1) That is why an unmarried woman

1. For the child, the indemnity goes up to 50 rings; for the mother, 50 rings and a slave (or his equivalent in currency), or 75 to 100 rings.

who is pregnant is pressed into giving the name of her accomplice as

848 soon as her family becomes aware of her condition. The accomplice
684 is made officially responsible and is required to accept this responsible and is required to accept this responsibility by publicly pledging his willingness to take all consequences upon himself. This pledge like all pledges is called ndanga. It consists of a knife, a ring of copper or brass, a spear, or similar objects. (2)

2. The same custom is practiced in the case of pregnancy resulting from adultery.

Article V. Sexual Intercourse

833 Although this subject is extremely delicate and therefore difficult to investigate and describe, it does not seem pointless to note here a few details with which I have become acquainted. We will discuss in succession a few circumstances relative to the act, then rape, and finally what are called incomplete acts. [92]

1. Circumstances relative to the act

[77] The Nkundó have intercourse lying on their sides. Nowadays, natives who have had frequent contacts with Whites are beginning to abandon the old manner for that of the Europeans. The spirit of imitation probably plays some part in the transformation which is beginning, but the gradual spread of the knowledge that the European system makes conception more likely is also a factor.

Even for illicit relations our natives seldom choose the forest or near-by palm or banana groves. Usually they prefer an isolated hut, or they take advantage of the absence of witnesses who might intrude on them. At night they are generally afraid of anything that stirs in the forest.

833 The Nkundó have sexual relations only during the night. To
753 do so in the daytime would be to risk being striken by a mortal illness
684 called bombilé (derived from mbilé "noon;" by extension, "day").

which has a strong resemblance to sleeping sickness. (1) One of its

1. It is not sleeping sickness itself, however, for that disease seems formerly to have been unknown in this area.

symptoms is a weakness of the lower limbs. Instances are cited of individuals who were unable to resist their passions and were punished in this manner. Apparently only the woman dies. As soon as her family discovers that she is stricken,the guilty woman denounces her accomplice. The latter is held responsible and is required to pay a heavy indemnity, which may amount to several dozen copper rings.

Here as in many other situations the Nkundó have found a way to avoid the danger. There is an antidote (mengó), and it is water (bási bale mengó ná bombilé). Thus those who are unable to control their aroused passions during the day, satisfy it in a shallow stream.

The fear of bombilé has been greatly shaken [93] by colonization. If we are to believe the natives, foreign soldiers are responsible for this change also. But the behavior of the latter could not completely destroy the ancient feeling, probably due to a natural shame which makes them seek darkness and privacy for acts of this sort.

After intercourse a native woman usually gives herself a douche. She does so for the sake of cleanliness. It often happens, however, that she does not wait long enough before doing so, and thus she neutralizes the effect of the intercourse. This is chiefly a matter of carelessness. Nevertheless, under certain circumstances she may use this means to prevent conception. (1)

1. See Chapter X, Article I, 2.

According to my informants, some women have constitutional abnormalities which repel men. As everything readily becomes public, such flaws are quickly known after marriage, though not quite as readily beforehand. Actually love can -- and often does -- cause them to be overlooked. But after the first ardor has cooled, such a situation may become a threat to the stability of a marriage. When quarrels

then does she acquire her own establishment. From that moment on she lives permanently with her husband-to-be.

She has come from her parents' home empty handed, without any utensils whatsoever. In her new dwelling she finds everything. Her mother-in-law and sisters-in-law give her what she needs: baskets, pots, gourds, mats, mortars, pestles, and even chickens.

It will be apparent from the preceding that there are no particular rites or ceremonies nor is any special attire worn.

By this time the bompfka is already considered a wife; [119] she has all the rights and duties of that status: cohabitation, household tasks, etc. Everything she produces or earns belongs to her husband. Her own family no longer has any rights to the fruits of her work. If, after the payment of the ikulé and before any further payment, the husband discovers that there are relations between his fiancée and another man, the latter is considered an adulterer and is liable to the sanctions designed to check such infractions. The older the woman, the greater the indemnity, which may be as high as 5 to 10 rings (see Chapter VI, Article VII).

It is logically consistent with what we have described that the fiancé has no special name. Since he is actually a husband, that is what he is called (bǒme).

During this period the engaged pair get to know each other physically and morally (sexual relations, work, temperament, virtues, faults). A figurative expression is used to describe what happens -- bɛkɛngola mpoké, "they are trying out the pot." The explanation for this saying is that before a new pot (mpoké) is used, it is placed on a shelf above the fire and left there for several days, so that it will harden and become heat resistant. If it cracks it is not suitable for food preparation; if not, one can cook in it without fear. This process is called kɛngola mpoké, and the term has been transferred to the trial period of the newlyweds. Thus it is a sort of novitiate, and the English term which can be used to approximate this situation most closely is clearly "engagement," "engaged."

This first period can last several months. Meanwhile the husband seeks the valuables needed for the ndanga payment.

583x 596 602 no one has direct rights (for instance, if she is an only child) or that of his mother's nkita's daughter, as we will see below.

In these instances there is a temporary suspension of rights or rather a change in the individual entitled to them. These adjustments are made very frequently and can affect several people. Bride prices may even fall to fairly distant relatives, even in the maternal line. The transactions are performed by the patriarchs for the greatest good of the family as a whole. New rights benefiting the person originally entitled to the bride price are being created, and the woman married by its means has become the equivalent of a nkita in relation to him -- as is the following instance:

583x 607

Bakutu b'Ɔfɔngɛ (Boniface) of Bombɛ́nga w'ɔ̃ɔ̃enda (Besombɔ́, Bombwanja) has a sister Wɛ̃tsi, whose bride price serves to provide his paternal uncle, Elongama ɛy'inuta, with a wife, Ikɔ̃kɔ̃ of Ndongɔ-Bongɔ́li. Bakutu's rights over his niece, Bakutu, daughter of Boldfo, are transferred to Bofɛ́nda d'Ekɔ̃kola, son of his paternal great-aunt Etɔ̃ka and therefore, in Nkundɔ́ terminology, to his father. As a result he obtains the rights over the bride price of wɛ̃ngi, the daughter of his uncle [166] and Ikɔ̃kɔ̃. At the same time he acquires a certain authority over Bofɛ́nda, the beneficiary of the bride price that was originally intended for him, and over the latter's children.

When the bride price is meant to procure a nkita, there is nothing to prevent the remainder, should there be any, from being used to pay a debt, a fine, etc., or, more especially, from being given to a relative so that he can procure a wife for himself.

If, in an exceptional case, the bride price is not used for its original purpose, this deviation constitutes an infraction of the law, because it is a violation of the rights of the girl for whom the bride price was paid, for she is thus deprived of her nkita and consequently of certain advantages. It may happen, however, that there is a conflict between this law and some other. In such cases of circumstances beyond one's control, it is up to the legal authorities to determine which of the two has priority.

●[684]

Such was the case of Bolɛ́ɛ́, daughter of Ɛ̃fɔlɔ́ y'ɔ̃ngɛmɔ́, of the Basɛ́kɔ́ Longwâne of Bonjoku (Bonkoso). She was married to Bombɛ́lenga

428 As soon as the bosólé is assigned to the person entitled to her, she leaves the group of widows and goes to the home of her new husband. From then on she may cohabit with him, since from that moment the pair are absolved from the observance of the regulations and prohibitions of mourning. Because of her affection for her deceased husband and her sorrow, the woman sometimes begs her new husband to be patient and wait a while. Her wishes are respected, for a refusal to acquiesce would be a very serious offense, which could lead to an immediate rupture of the relationship.

The woman chosen as bosólé may refuse the husband for whom she is intended, though such cases are rare and in the past were even unknown. The following instance [204] goes back to 1932: Mpia of Mbanja "acquired" Bôngongo of Ilângá as wife for his eldest son, Bompelf. But the young man did not want her. So as not to waste his money, the father incorporated the woman into his harem. When the old man died, Bôngongo was given to this same Bompelf as a bosólé. This time it was she who did not want him, and, to make matters worse, all the other widows also refused. Subsequently, a second cousin of Bompelf named Bosénjá wanted to marry Bôngongo. But out of spite, Bompelf did not want to yield her to him except against the payment of a bride price.

Even if the woman makes no objection -- and she generally does not -- and accepts the new husband without loving him, either out of indifference, or to be able to come out of seclusion, or for any other reason, she may always find a way to leave him, if she wishes, for another close relative whom she prefers. This fact indicates that, although theoretically the union of the bosólé is supposed to be more stable than a simple marriage by inheritance, in practice it is not; and it does not attain the degree of permanence characteristic of a marriage by nkumbó. The reason is probably to be found in the fact that the union with a bosólé and the ordinary form of marriage by inheritance are fundamentally identical, and the rights of the family play a great role in both of them. The following is a recent case history: Ifungá, daughter of Esukílu of Bongangá (Bofondé) and widow of Bolíkelá of Bongíli was assigned as bosólé to her husband's eldest son, named Boongo. Later she claimed that she did not love Boongo but

that she wanted to become the wife of his brother Ekamba. Ekamba did not object. But very soon she broke this union as well. This time the chief decided she was going too far and to please Boongo, who had settled with his mother's clan of which he also was a member, he sentenced her to several weeks in prison. All sensible people approved of the chief's attitude. In spite of the suppression of such excesses, a suppression which is necessary, the woman's freedom is protected.

We have already indicated that from a moral point of view the marriage of a bosólé may be considered on the same level as the inheritance of any woman if she remains among the close kin of the deceased. The only difference is that such a union is somewhat more difficult to break.

Article IV. The Replacement or Substitution

When a marriage is broken, instead of completing the divorce by restitution of the bride price, the woman's family often has recourse to the practice of replacing the divorcée by one of her relatives (such as a sister, cousin, or niece). The act of replacement, as well as the woman substituted, is called bankitsí. (1) This name is plural noun de-

1. The Ekonda say nkitsí.

rived from kita, "to become," kitana, "to replace, to succeed." The singular would be linkitsí, but it is never applied to this situation.

The substitute usually does not object to the social obligation that falls upon her, unless she feels an unusual repugnance toward the husband. In that case an attempt is made to find someone else in the family. A family may go so far as to take one of its members away from her husband in order to substitute her for the divorcée, especially if no other substitute is to be found and if they care more about the marriage that has been broken than about her union.

The Nkundó give the following justifications for the practice of substitution:

684 582 There is no sanction against the infraction of the law of exogamy. There is only the opposition of the parents and patriarchs, and a quasi-innate habit.

582 614 Note also that members of certain clans frequently marry members of certain others, among whom they prefer to choose their wives. Therefore a good proportion of the women married into any given family will belong to one particular clan. The Wafɛ (Bakɛ̄ala), for instance take a great many of their wives from among the Bongale w'Ɔtɛlɛ.

[174] 582 614 We may reasonably assume that the ancestors of related groups, who now marry among themselves, formerly practiced exogamy. If this assumption is correct, it must be admitted that with the progressive growth of families, this rule has been relaxed in certain respects so that the present situation has resulted. Consequently, it would not be surprising if these legal provisions became even less rigorous in the future. Actually, some young people have begun to [178] violate the rules of exogamy and their example has freed the whole family. (2) Thus the Bokɛ̄tola maintain that their two groupings,

2. See Chapter I, Article VII, 1.

Bompela and Ilɔ̄ngɛ, who now intermarry, formerly comprised a [251] single exogamous entity. Contemporary instances appear here and there, but they remain very rare, even between persons who are very distantly related, and much rarer between close kin. (1) For the

1. A recent case was that of Ekɛ́mɛ and Bolɛ́lɛ, who both belonged to the exogamous group of Bokenyola of the Bɔnjoku, but one belonged to the Basɛ̄kɛ Bokɔ̄yɔ̄ family and the other to the Basɛ̄kɛ Njoli.

Nkundɔ still feel very strongly about this law. The bulk of the people are entirely opposed to any laxity or violations and the patriarchs and notables act against them with all their power. But the strength of

593x 606 578 We should add that in some households, difficulties arise rather easily during the visits of parents or parents-in-law, because of the sensibilities, incompatibility of character, or discontent of one party who may consider the other guilty of discourtesy, lack of delicacy, disrespect, or stinginess toward the visiting parents. The same is true for the rearing of children. [273]

4. Punishments

593x 578 Nkundó law permits a husband to inflict corporeal punishment (bikɛ̃njwɛ́, sing. ekɛ̃njwɛ́) on his wife, its nature varying with the seriousness of the case. Obviously these sanctions, expressly permitted by law, cannot give rise to claims on the woman's part [576] or result in the obligation to pay a bɔɔ́ndɔ. [Editor's note: Unless, of course, the husband -- acting in excess of his rights -- is more violent than the occasion warrants for under such conditions, the wife, supported by her family, attacks the husband, who is then [684] forced to acknowledge the harm he has done and make reparation by means of a bɔɔ́ndɔ.] If she is hurt she may claim a supplementary payment called liombo (from the verb bomba) or "bandage" (for the wound); it consists of 5 rings or more, depending on the situation. [826] The loss or breaking of a tooth is considered a serious injury. For this is a real injury to the woman and, in the case of front teeth, to her beauty. (1) Of course, as explained above, the wife will first have

[304] 1. Because they are filed, the incisors are much less resistant than normal teeth. Teeth filing is practiced for reasons of beauty.

run home, and it is there that the dispute is examined.

593x 578 644 For the sake of a clearer understanding, let us go into a few details concerning the penal stipulations of Nkundó law in relation to the life of a married couple.

Usually, in a simple domestic quarrel, the couple does no more than tell each other some home truths, seasoning their speeches

578 with a few vulgarities. If the woman goes beyond that, her husband
593^x gives her a good slap, but he cannot allow himself to exercise his
684 muscles further upon her.

If a woman's tongue is too voluble and she permits herself to deliver gross insults without a suitable reason, her lack of respect is considered punishable. It is not considered proper [274] to right this wrong by means of blows, however, although in practice impetuous young men do not always restrain themselves. The sanction preached by tribal wisdom is the man's abstention from food prepared by the guilty wife, and his refusal to perform the conjugal act. A Nkundó woman is very sensitive to such measures. If she is really recognized to be in the wrong and peace is not promptly re-established, the wife's [52] family will beg the husband to calm down and offer him a boóndo, which may be as great as the value of a dog.

593^x In the course of a quarrel a Nkundó woman may resort to a
578 roundabout way of expressing her feelings; instead of cursing her husband directly she will address herself to a domestic animal which passes in front of her. The man is naturally not deceived, and the effect is identical.

What we have said applies to ordinary insults such as to wish a person's death, which may be expressed in the following ways: owá "drop dead," nkoi ákokumbé, "may a leopard get you"; njwá ákokóté, "may a snake bite you": ófówé é? "aren't you dying?"; okona, "why don't you get sick"; bákotómbé ndá ngélo, "may you be carried to the cemetery"; bákokundé, "may you be buried." Invectives based on physical defects or designed to humiliate a man fall in the same category. For instance a woman may call her husband bololé or etula, "a nobody," or imemelo, "idiot," or inyanyama, "beast," etc.

If, on the other hand, the woman in her volubility attacks her husband's parents, the matter becomes more serious. The Nkundó react very badly to verbal excesses directed toward them. Whether he is subject to teasing on their account or to insults such as "eat your mother (or father)," or to obscenities in relation to them, or whether the speaker "disinters" deceased parents in evoking their memory, (1)

[195] 1. For the sake of documentation on Nkundó psychology and morals, here is the Latin text

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higher morality -- in our terms. Among them the question of relations between a woman and her husband's son, younger brother, etc., does not even arise. Have they been influenced by some neighboring tribe? Or must we attribute the inferior morality of some of the tribes in this respect to decadence.

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The following conclusions emerge from this long description:

1) Relations between a man and the wife of his son, younger brother, etc., in short of anyone inferior to him in the family hierarchy, are always strictly prohibited and never occur.

2) They do occur on the other hand between an inferior and the wife of his senior and superior. The degree of kinship between the husband and the culprit plays a considerable role in determining the seriousness or triviality of an infraction, the sanctions applied, and the various consequences. Some relations are accepted, others are censured with varying degrees of leniency, still others are pitilessly criticized.

3) In these matters a distinction may be made between two aspects:

a) the husband's reaction and the repression of the illicit relations;

b) the judgment of public opinion;

or:

a) the financial aspect;

b) the moral aspect -- to use that term for want of a better one.

Sometimes a third element comes into play, namely the intervention of the family on the side of the culprit against the injured husband who, for one reason or another, is in the wrong himself.

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a) The usual sanction for adultery is, for the man, an indemnity to pay. But such a payment cannot be made since no financial transaction -- strictly speaking at least -- may be made

602 837 684 within a group of close kin, seeing that, from a certain standpoint, property belongs to all the members, each sooner or later receiving or inheriting from the other. But in cases where other sanctions can be imposed, they are considered legitimate. [309]

626 837 602 b) Except in the case of relations between brother and sister-in-law -- within the limits described above -- public opinion is severe in its judgment, even more severe than for ordinary cases of adultery, although because of the more tangible nature of the sanctions imposed against the latter, these seem on the surface to be considered more serious; many natives even have that impression. Or at least that is the first impression that spontaneously comes from their explanations; currently, they stress the indemnity, and in their accounts of ancient proceedings and violent sanctions, they forget the other aspect. Others do not distinguish between the two sides of the problem, or distinguish between them only very poorly. Only in going to the bottom of things do they -- like ourselves -- become aware of the two aspects and the importance of not confusing them.

The leniency we observe in certain cases on the part of the interested parties who have been wronged, and sometimes on the part of public opinion, does not seem to us to have been explained as a leniency based on principle nor as a legitimation of these relations (except in the case of brothers within the limits indicated). They seem rather to spring from the affection they have for the culprit, their sympathy for his condition as a bachelor, a certain community of interests, and finally from an evaluation of certain other elements that may be involved (such as a fundamental jealousy in the case of brothers).

602 181 The great distinction made by the Nkundó in this realm as in others between inferior and superior relatives is based on their conception of authority, which is patriarchal, therefore paternal. What is involved is not so much a fear of power as a reverent awe -- although the first should not be excluded. In their eyes an inferior does not exist for the benefit and advantage of the superior, but the reverse; authority exists for the good of the inferior, who to preserve hierarchy and order must submit to the [310] superior. The superior's duty to help his inferior (in his difficulties, his palavers, his poverty),

837 substituted for all these items. As a rule the woman demands some
431 remuneration although there are exceptions, which may be frequent or rare, depending on the region and on the nature of the persons involved. They are due to extraordinary passion or to the woman's love for her lover. (1)

1. See Chapter I, Part 1, Article IV.

3. Evidence of adultery

837 The strength of the evidence may vary.
684 1) The strongest evidence is finding the couple in flagrante delicto. No objection will hold up against it, and it constitutes for the application of the severest sanctions. The act must be observed by the husband. The testimony of a third party is never introduced. If another person discovers the adultery and favors the husband, that person will inform the latter so that he can take precautions in order to catch the culprits personally. If it is discovered
[606] by the woman's father or other close relative who favors the husband, he informs the latter and, if possible, calls him to witness the infraction himself. If he does so, the husband must give the indemnity to his father-in-law. This is not a legal obligation but one imposed by good relations and decorum, since the father-in-law has shown good will and affection toward his son-in-law.

2) A wife's admission is almost as important and always decisive. Such a confession mitigates her husband's anger toward her and directs it chiefly toward her accomplice. Therefore most women do not hesitate to denounce their paramours if they feel somewhat cornered. (On the other hand, women never denounce each other.) [314]

3) A third form of evidence can be obtained by surprising the lovers while they are planning a meeting. The husband can accuse them on the spot and try to extract a complete confession from his wife on the subject of the past or the future. If possible he assures himself of the co-operation of witnesses. If he foresees a denial on his wife's part, he lets the occasion pass and looks for a good opportunity to surprise the culprits in the act. Regardless of the

937 684 wife's inclinations, a husband often will not intervene at once; he will give no sign of what he has observed but will skillfully seek an opportunity to observe the pair in flagrante delicto, so that he can take more violent action. This approach is absolutely necessary if he has nothing but suspicions, even if they are well founded. To act otherwise would not have great results and would show a lack of judgment -- often true of young, inexperienced husbands or ones with too irascible a temperament. An intercepted message bearing an invitation or an acceptance has the same practical value.

This form of evidence is weaker than the two preceding ones -- unless these are added -- and justifies only certain sanctions.

4) The sight of lovers giving gifts, either from hand to hand or through an intermediary (" with so-and-so's compliments") also has its value as evidence. But here again the best approach is to use this evidence as a means of obtaining the wife's confession. That is the only practical value of discovering gifts in the wife's possession. If a wife finds no explanations that will pacify the husband, she is forced to admit the act and denounce her accomplice.

4. Sanctions

684 Nkundó law includes several sanctions against adultery some of which are applicable to the spouse, some to the accomplice, and some to an intermediary (ekima). There are differences [315] in the application of these sanctions depending on the gravity of the case (for instance, repetition of an offence or a habitual offence), the inclinations or temperaments of the persons involved, and the value of the evidence. Although the sanctions are legitimated by law, most of them are applied at the spouse's initiative; but in some instances the authority of the family as well as that of the ndonga have to be involved. Therefore the following varied situations should be pointed out:

A. A husband's sanctions against an adulterous wife.

a) In the case of a delicto flagrante, the husband may beat his wife, wound her, and even kill her. Neither she nor her family have the right to complain. If he kills her he is no longer entitled

● 684 [721] to a reimbursement of the bride price, any more than if she had died of natural causes. In past times death under these circumstances usually resulted in a war between clans. But this extreme situation actually arose only very rarely, if the man was excessively jealous and had other wives or the means to obtain them, or was embittered by persistent and incorrigible infidelity. Most frequently a husband's foresight of the loss he would sustain, in the last analysis keeps him from such drastic action. He limits himself to beating or injuring the culprit or to applying other forms of chastisement or punishment (see below under b); see above, Article III, 2.

If the husband has sufficient evidence, of the sort described above, but has not caught the culprits in the act, the wife can expect a good whipping, accompanied by a whole string of vulgar expressions and assorted insults (femina foetidissima, tempore menstruationis putor tuus venit in nares omnium hominum, etc.) as well as [578] a heap of obscenities pertaining to the female genital organs. The [579] husband who acts in this manner is not reprimanded. On the contrary, he acts thus out of jealousy; our Nkundó say that his anger is an anger of love.

In these punishments the Nkundó above all recognize the exasperation that springs from legitimate jealousy. That is why the husband acts on his own initiative. Besides, when he [316] finds himself confronted with the fact it would be psychologically difficult for him to calm himself first in order to go and inform the ndonga.

It was extremely unusual for a man to kill his wife calmly and deliberately. Such a thing happened only if her infidelities were continuous and she had erred in many other ways as well. And even then this conduct was found only in certain extremely cruel families. It was known that Iloko is Ôkungú and Bengóngó bya Kundú had acted in this fashion; both were members of the Bongilá (Besombó), a family which, in its songs, boasted of eating their own wives.

b) Tortures. The husband may also have recourse to several types of torture. Most important among them are the following:

1) The etáka, which is the standard torture so to speak. It is a heavy wooden fork which is attached to the neck. It prevents

! [i.e., a husband's killing his wife for adultery.--Analyst]

• 484 movement and therefore serves as the Nkundó prison. But in addition, if it is applied for a long time, it becomes a real torture; the skin becomes painful and comes off, inflammations readily appear, and bugs sometimes lodge there.

As soon as the woman's family hears (through the ndonga) that she is being so tortured, they often come and beg her husband to [516] free her. To pacify and propitiate him, they offer him an ad hoc payment, that is, a boóndo of a few copper rings. Generally, he yields to their entreaties. A good relationship and his respect toward them require that he not remain indifferent to their supplications, especially as he needs them for the stability of the marriage and the good functioning of the household.

2) Byéngetanyi, or handcuffs, which consist of sticks attached either to the wrists or to the ankles (to prevent walking), or to both arms and feet. Two sticks were used, one above and one below, with the limb placed in between, and they were tied with ropes that were attached and fastened in notches made at [317] each end of the sticks. In rare instances the wrists were bound. To increase the pain and immobility, the ropes were shrunk and hardened by pouring water on them. These handcuffs were generally added to the etáka and were never applied alone.

3) Exposure to the bites of nkongòtó ants. In the region under [184] discussion, I have never heard the people speak of exposure to bafumba (Dorylus), or even to the venomous benkŏnkóme. This fact contrasts with the practice of other Mongo tribes and with the content of certain legends (evolution?).

4) The pouring of water containing pepper into the vagina. Sometimes the genital organs were rubbed with crushed pepper.

5) Exposure of the sex organs to fire. A burning log was held near them.

The last two types of torture were the most dreadful.

We can add one last form of punishment which is derived from the same legal rules, although it is not a torture:

[834] 6) Nudity. The husband tears off the guilty woman's garments and thus exposes her to public shame. Even if she resorts to using leaves, no one mistakes the situation, and her shame is only partly reduced.

Any of the types of evidence listed above is sufficient to legitimize the application of one or another of these penalties. Nevertheless, the husband is required first to notify the elder members of his family and the ndonga, who do not permit him to act unless the misdeeds have occurred repeatedly. The readiness to accord the husband permission depends on the temperament of the interested parties and on a great many circumstances, the most important of which is the respective social prominence of the parties involved.

The need to ask permission of the "fathers" and the ndonga, which we have already encountered in reference to other situations (above, Article III, 4), does not weaken the husband's rights [318], but it limits their use. It is not a legal obligation but one that is imposed for family reasons, which are as follows:

1) The respect due to the "fathers" in this as in all important matters;

2) The respect due to the ndonga, who in marital matters is the husband's superior and whose intervention must be called upon in any serious situation;

3) The repercussions of any inconsiderate or rash action on the entire family (enmities, wars, etc.).

If forbearance and patience are fruitless, no one can blame the husband any longer. And when the woman's family compares the censurable conduct of their daughter with the generosity of their son-in-law, they will naturally be inclined to find that he is in the right and so usually will not intervene against him.

Note also that the Nkundó invoke the need to maintain their honor as justification for the obligation to notify the authorities. They must be able to inform the unfaithful woman's clan and thus safeguard their good reputation as defenders of order and public peace.

A woman whose husband loved her very much was subjected to the etika only. He would reprimand her and strike her, and would try to correct her behavior by means of gentleness and leniency.

As we will see suo loco, a husband who is exasperated by the incorrigible infidelity of a wife whose performance of other wifely

duties is also unsatisfactory, may sometimes resort to divorce or to selling her into slavery, but rarely to killing.

Colonization has abolished torture, slavery, killing, and the legitimacy of assassination. A husband has no other sanction against an unfaithful wife than to insult and beat her. And even there European law forces him to restrain himself lest he commit excesses which [319] involve him in a trial before the white man's court. Fortunately for marital fidelity, a reaction in favor of the repression of adultery has recently begun, following the official establishment of native jurisdiction. In the not too distant future, this reaction will culminate in a return to ancestral law in a form adapted to present circumstances.

B. Against the accomplice, the injured husband has the right to make use of two sanctions: violence and the payment of an "indemnity."

1) If the husband catches the accomplice in the act, he always has the right to wound him, or even to kill him, or reduce him to slavery. The last two forms of vengeance were not practiced unless the respective villages of the husband and the culprit were fairly distant from each other and not bound to each other by any special ties (friendship, mutual assistance, or affinity). This reservation existed because of consideration for the offender's relatives, the desire not to bring them excessive sorrow. Another cause for caution and calm is the economic or military inferiority of the husband's clan, or the fearlessness, the valor in battle, in a word, the strength of the culprit's family. A special case which makes all other considerations disappear is adultery with a favorite, whose husband's love for her is especially passionate and jealous.

If the offender's adultery was not limited to a few isolated acts but was becoming a real habit, or if he had already seduced many women, resulting in many palavers for his family, the husband could be bolder. For the rake's close kin would finally be exasperated with his incorrigible and disastrous misconduct and would rather be rid of him. (1) [320]

1. See also Chapter VIII, Article II, 2, A.

The risk of being wounded, reduced to slavery, or killed, often cools the adulterer's passion. Therefore, the more the husband showed that he was fearless, violent, physically powerful, or of a high social position, the more his wives and their lovers were on their guard. Certain men were so jealous of one of their wives and so determined to take vengeance with extreme severity that the tempters did not even dare to think of approaching her.

9) The payment of an indemnity seems to be the standard sanction. It is the only one that remains legal at the present time; consequently it is coming more and more to the fore.

Any of the types of evidence examined above justify the claim for an indemnity.

The indemnity may be minimal, consisting of 2 to 5 copper rings, or heavy, going up to 20 to 30 rings or a slave. The maximum is always demanded for adultery with a favorite. The size of the payment depends on the persons involved, the relationships that bind them, the frequency of misconduct, and the nature of the action observed. For instance, if the husband catches the couple when arranging a meeting or exchanging gifts, the indemnity will be small; if, on the other hand, he has caught them in flagrante delicto, it will be high.

A man who demands a high indemnity must expect to be treated the same way should the occasion arise. The application of the law of retaliation in that case is fully approved by Nkundó opinion.

In addition to the situations examined in the preceding article, there exists another which does not result in an indemnity claim. It arises if the culprit belongs to a clan of slaves or is in some other way subject or inferior (mpámá or bowélé). (1) Even

1. Strangers who are settled with a tribe or group but are in no way related to them.

if the husband catches the culprit in the act, he politely asks him to go away and leave his house [321] and his wife: dumbeli lombe, ndyá é! Here is true Nkundó courtesy in practice. It might

certainly happen that a husband who was too jealous or impetuous would wound, kill, or sell his rival. But this was an exception and was always condemned since it was absolutely lacking in chivalry. In any case there can never be any question of demanding an indemnity; such an act would be absolutely shameful.

The culprit is notified of the demand for an indemnity by the ndonga, who in difficult cases is accompanied by various notables. If the husband foresees strong opposition on the debtor's part, he gives the ndonga a special present of a bunch of bananas and two fish (or a hen) "so that he would not be forced to eat the rival's food."

A persistent and categorical refusal to pay the indemnity is unusual. For it can have serious consequences: the taking in custody followed by enslavement because of debts, or [the taking of] compensation in the person of his wife or of a relative, or the retention [by her relatives] of a relative of the creditor who is married into the debtor's clan (ikɛ̂kelo). Since these practices of taking hostages and of bodily constraint have been abolished, there remains the intervention of the courts, seconded by the police.

What is the Nkundǫ́ idea of this payment which we have called an indemnity in order to facilitate its description? The question is difficult to answer. Here are the linguistic facts which may provide elements of the solution:

The payment for adultery is called nyongo, and the word is used together with the verb ka, "to give." The expression is equivalent to the verb lingala fɔ́ta (from which the noun bofɔ́to is derived). It signifies "payment" in the broadest sense and thus also covers our words "pay," "salary," "remuneration." In addition to its application in the case of adultery, it is also used in many other situations, such as remuneration for work, payment for a service, etc. Nyongo does not mean "compensation," which is called lowɛ̂la, nor "a payment making amends [322] and apologizing for an offense," which is bɔ́dodo, nor "indemnification" (mbɛ̂laka). What the expression has in common with the last term is the concept of a

payment rightly owed, and in the absence of an adequate translation, "indemnity" is still the least inaccurate. (1)

1. The words used for "reward" are bokondo, which is a reward for an unusual service, like the capture of a leopard or another "royal" animal (nyama ɛ'ekofo, such as a python, an eagle, etc.) or a beautiful dance, and mbutejɨ, which is a reward for small services.

One point remains to be noted. The two forms of punishment, violence and indemnity, may not be combined, and this principle is applied in all situations (2). Should this prohibition be

2. For example, see also Chapter VIII, Article III, 1.

construed as an implicit condemnation of violent measures? Or have we here the use of a system of settlement? It is difficult to settle this question, and actually the two explanations overlap at least in part.

It is not without interest to note that, in order to justify sanctions against the accomplice, the Nkundó invoke his frequently dominant role in adultery. Actually they reason that a woman is weak by nature; her emotions predominate, she is easily led and resists enticement only with difficulty. A man on the other hand is more reasonable, better able to control himself. Sanctions enacted and applied against the wife alone would not only leave out the punishment of one of the two culprits, but they would also be inadequate for the preservation of social order, since the woman remains exposed to succumbing out of weakness in spite of the penalties. The severity of Nkundó law with regard to the corporal punishment of the wife, which exists in spite of these considerations, are explained in terms of the woman's sensitive nature and of the power her husband has over her which he lacks in relation to her accomplice.

C. Against a husband and his accomplice. There is no specific sanction in Nkundó law against a husband's adultery. [323] but an outraged wife may take revenge on him, as on her rival. Her weapons against her husband include invective, the refusal of food, drink, baths, and finally of debitum conjugale. These are appreciable punishments about which the husband can in no way complain, for he would be found entirely in the wrong. The woman's actions stem from a legitimate jealousy. Sometimes her feeling [134] becomes so intense that she tears off her clothing and stands before her husband completely naked; this shames him greatly and constitutes a stinging reproach. Invectives flow out of the wife's mouth in torrents: [57] ilolé iné, itutula iné, inyanyama iné, owé lóí ó ndé nyongo, ndé nkómbé, "that imbecile, that good for nothing, that beast, one day you'll die of penalties, of being caught in flagrante delicto, ..." Then there is a whole string of the usual insults. [65] Our Nkundó say that the more abundant the insults, the greater is the woman's love. She may carry on like this for days, even for weeks. Her responses to her husband's adultery are thus of the same sort as those she makes use of under other circumstances.

If a jealous wife sets fire to the hut in which her husband yielded to his passion, no one can reproach her. The damage was caused on her husband's account.

Against the woman accomplice, the wife may use more violent means. She may fight her, strike her, even injure her. The rival's husband will demand a lóombo, or payment "for blows and wounds," which has to be paid not by the wife's family, but by the guilty husband. Thus in the final analysis it is again he who is punished. If the offending woman is killed, it is again the unfaithful husband who is obliged to pay an indemnity to the widower. (See Article II.)

One form of punishment to which a wife likes to have recourse to take revenge on her adulterous husband and his accomplice if she catches them in the act is to pour a pot of hot or boiling water on their bodies. [324]

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[857]

D. Against the go-between (1) Nkundó law permits all sorts

> 1. The Nkundó generally use go-betweens to tender invitations to women; these are frequently children between the ages of six and fourteen. The disastrous effect of such a practice on the bringing up of young people is easily understood. In some groups it has inflicted a real moral evil.

of invective, blows, and a good whipping. Formerly the most serious situation arose if a woman was called directly. In the past, if favored by circumstances (especially the social position of the families involved), certain of the more jealous and bold men caught the go-between and sold him as a slave. This punishment was entirely legitimate, even though the person for whom the go-between acted was the one primarily guilty and therefore the prisoner's family could attack him on that account. People cite the rather recent historic case of Bonkéké n'Ilóko of Ikengo (Nóómbé, Wángatá), who sold a Bonwa named Bompíte into slavery because the latter had brought a lover's gift to Wífya, his favorite.

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E. Conclusion. In examining the various sanctions that Nkundó law provides against adulterers and their accomplices, we are struck by a noticeable difference among the cases. Although a wife has certain means to check her husband's misconduct, she is unquestionably less well armed than he. This is a logical consequence of the nature of Nkundó marriage. A husband defends his "property," whereas a wife is not an "owner." Furthermore, in this realm the requirements are stricter for a woman than for a man. Even in Europe the misconduct of a man is judged very differently than a woman's weakness, the latter being considered much more serious and shameful, even though -- in an absolute sense -- the two are equal. Finally, the system of polygamy plays a role, for it tends to weaken a wife's love and consequently her jealousy, so

that she becomes accustomed to her husband's relations with various other women. Consequently, the reaction of the women in general [325] against adultery is much weaker than that of the men. Moreover, because of this same system, a woman is much more exposed to weakness, and stronger sanctions are therefore necessary to insure her fidelity.

Finally, there is one last reason for considering a woman's misconduct as more serious. It is the danger of conception through adultery, with all the attendant consequences: risks for the pregnant woman, forced continence for the husband, etc. (1)

1. See no. 6 below as well as Chapter I, Part 2, Article IV, 3, and Chapter X, Article II, 3.

From the description of sanctions it is apparent that in spite of the woman's inferior position, Nkundó law does not leave husbands the full and complete freedom which, according to certain writers, they are accorded among other peoples. Even if the means of repression available to the wife do not incontestably prove that the husband has an obligation of conjugal fidelity -- and the wife's legal status explains a great deal -- the fact remains that the ndonga as well as public opinion approve of even her violent reaction, proving that she is right and the husband wrong.

5. Public opinion

Public opinion is fairly lenient in relation to isolated instances (yɛ̂tsi, ndonga). It clearly recognizes the error involved in infringing on the conjugal rights of another, but the error is attributed to human weakness. In the case of habit the situation is different; it is criticized frequently and severely. Habitual sinners are called ɛ̂fɛ̂fɔkɛ (from the verb fafoka, literally "to flutter" and figuratively "to flirt"), ɛkɔngɛ or ɛkɔkɔngɛ (from the verb kɔ̂ongo) or ɛkɔkɔkɛ (from kɔ̂ka) "to flutter, to be flighty and fickle." These epithets are applied primarily to women, who are more subject to this failing than men.

The shame attached to the discovery of this sort of misconduct in the better circles in Europe is unknown among the Nkundó. This is natural since isolated instances are readily excused. As to the habitual offenders, they are sensitive [326] to the above-mentioned epithets but will not correct their ways on this account any more than people in other parts of the world.

An adulterous husband is criticized as much as an adulterous wife in spite of the difference in the means of repression which Nkundó law provides for their respective misconduct.

Public opinion therefore corroborates the conclusion toward which our examination of sanctions has pointed, namely that adulterv is condemned by the Nkundó. Opinion is not based on the existence of the sanction but seems to spring from their innate mentality, which makes them perceive adultery as a disorder.

6. Aggravating circumstances

If a case of adultery is followed by conception, it becomes especially serious, and for the husband as much as for the natural father. Indeed the latter must assume all the consequences. When circumstances permit the husband makes his wife denounce her accomplice, and she does not refuse to do so. The husband then calls a meeting and demands a pledge (ndanga) from the culprit, who in that way acknowledges that he is at fault and shows his willingness to assume all responsibility. If there is a miscarriage or the child dies during delivery, the natural father must pay the legal father an indemnity of "a slave" or more (sometimes 50 rings); a smaller indemnity is required for a child who is only deformed or sickly. If the mother dies the indemnity consists of a slave and 50 rings, and it may go as high as 100 rings.

In the interim the husband no longer goes near his wife. He leaves her to her lover, who must "preserve the foetus" and observe all the rites and practices associated with pregnancy and childbirth, since, physically, he is the father. (1) [327]

1. For fuller details see Chapter X, Article II, 3. For analogous practices

great ceremonies because they lack the necessary wealth.

The bomɛtsa is never nkɔndɛ. But before he makes one of his wives a nkɔndɛ a husband must ask the advice and approval of the bomɛtsa. For that purpose he presents her with a bompɛngɛ (a dog, a goat, some rings), which expresses his recognition of her right and authority and at the same time is intended to secure a favorable response. If the bomɛtsa does not agree, the matter is not followed through. But that situation is only hypothetical. In practice the bomɛtsa yields to her husband's preferences, since he has recognized her rights in the proper fashion.

When a husband wants to create a nkɔndɛ, he first makes all the preparations, brews the sugar-cane beer and collects all the riches that are to be distributed. Then he invites the neighboring villages and calls together his relatives. On the assigned day, the assembly having gathered, the chosen wife puts on her most beautiful garments and adorns herself with her richest ornaments. She seats herself on a magnificent bofinga [345] (a portable couch) (1)

1. See the excellent drawing in Engels, Les Wangata [The Wangata], (Revue Congolaise, Vol. 1, no. 4, p. 483, 1910).

in front of the audience. Her husband then announces to those assembled that henceforth this woman is to be his favorite; woe unto the man who has the temerity to seduce her or even show affection toward her -- he will be a dead man (or he will have to pay an enormous indemnity of 25 to 50 bakonga). In the past it often happened that a seducer was killed or reduced to slavery without further ado. When the husband has paid 25 rings or more to the wife's family and gifts have been distributed to the assembled patriarchs, his words are ratified by the assembly, and henceforth the contract between them and the husband is sealed. Dances, song, and drink follow.

The favorite wears no special garb. She wears the same clothing as all the other women and wears furs only for dances.

586 One way or the other, the question was thus settled for both sides.

The term universally employed to signify the breaking up of a marriage by the wife is bokɔ́ɔ́lo, derived from the verb kɔ́ɔ́la. This word is not used for a wife's repudiation by her husband. Therefore, its meaning is not equivalent to "divorce"; it means rather "to break the union with the husband." The transitive causative form (kɔ́ɔ́ya) means "to provoke this break." It actually does happen that the woman's family causes the dissolution of a marriage for the sake of a more advantageous union. This should be understood in the context of what we have explained concerning reasons for divorce. Serious failures in the husband's fulfillment of his duties to his parents-in-law are mainly involved here. The [587] remarriage of a divorcée is described by the generic term kumbwa, "to be married to someone."

B. Second hypothesis: a husband wanted to get rid of his wife. Old natives stated very categorically that such behavior on the husband's part was due not to the cooling of his love, but to [383] incorrigible conduct on the wife's part. He was reduced to this extremity by the impossibility of continuing conjugal life with her.

583 He did everything in his power to forestall the flight of his 584 wife by making the first move. After having vainly tried to bring her around through the intervention of her parents and especially the ndonga, he had recourse to one of the following means, which he could in fact use successively. But first he was required to inform the witness and to obtain his approval as well as that of the family authorities. The measures were as follows:

• [584] a) Submission to the etɔ́ka, a heavy wooden fork fastened to the neck. When the husband has placed the etɔ́ka on his wife, the ndonga informed her parents of what had happened. They could then come and free their daughter by returning the bride price. If the husband applied the etɔ́ka against the wishes of the witness, the latter could release the prisoner. But in so doing he became guarantor of the reimbursement of the bride price; he became personally responsible for it.

586 The husband was authorized to keep his wife under this form of torture for months. If his parents-in-law would not or could not

husband's knowledge, or taking refuge) and did so, her remarriage was illegal. Before the law the new husband was simply a thief, since he held a person near him over whom he had no rights. For this reason the husband could declare war on him, which he was not permitted to do in the other case, the question of his marriage being a matter between him and his wife's family.

Another consequence of that legal ruling is the following: If the woman who has left her legitimate husband wishes to return to him, she can advise him of her intention by a secret message. She asks him to come and get her at the moment when her lover is to pay the bride price (ndanga or walo, depending on the instance). She urges the latter to meet his financial obligations. On the day set the legitimate husband, accompanied by his ndonga, goes and hides near the place where the payment is to be made. At an opportune moment he comes out of his hiding place and seizes the valuables that have been set out, saying to his rival: "I have caught you in adultery with my wife; these valuables belong to me as indemnity." [396] The woman's family takes his side, and the husband who has seduced her finds himself at a disadvantage and is sent away empty handed, for he is clearly entirely in the wrong.

If the legitimate husband belonged to an influential family he might risk the assassination of his rival if he saw a possibility. But then the situation was complicated by a war.

Furthermore, if the fugitive becomes pregnant as a result of her relations with her lover before the procedure of bride-price payment and reimbursement has been carried out, the child belongs, not to the natural father, but to the abandoned husband, who remains its legal father.

Nowadays everything has changed. A woman who leaves her husband cannot legitimately cohabit with another man. But during the past years no sanction remained. The imprisonment of the divorcing woman (mentioned above) could revive the ancient law while adapting it to circumstances. Furthermore, since the marriage is not dissolved, the alleged second husband could be condemned by the native courts for complicity in adultery.

§53 §57 an ordeal or ask a magician's judgment or a magical practice to reveal the culprit. The culprit who is discovered is not subject to any social sanction; he is punished by the ordeal itself or the spell cast against him.

[484] If the mother's adultery is proven through her having been caught in the act, her seducer is considered guilty. He must pay the death indemnity (20 to 30 copper rings). The woman is not at all involved as far as society is concerned; it is a matter between her and her husband.

§51 §54 In order to prevent any harmful effect on the child, the Nkundó resort to a potion called bondandota, which will be explained in [478] the next article, 3. "Medication" by scarification might also be mentioned. This therapy is applied to the parents as well as to the child. If the father is wealthy, he invites the wife's family to come and perform the operation themselves. As in all comparable situations, the invitation is accompanied by the handing over of a pledge, and farewell presents (belingako) are given at the end of the visit. In addition the wife very often goes to live with her parents for some time after her seclusion in order to increase the efficacy of the treatment.

§45 [484] The sanction incured for a violation of the secondary stipulations is less serious. For instance, the pregnant woman suffers from violent migraines, which often cause fainting and sometimes make delivery very difficult; thus they can even cause death. The husband is seldom bothered by these headaches. But he takes great pains to faithfully observe the law in order to spare his wife such painful consequences and to avoid the death of the child being born.

Apart from sexual abstention and the rules connected with it, the couple are also subject to various prohibitions which are clearly based on superstitious ideas. Thus:

1) They must neither go down into a well nor dig in the earth. The woman would die, for it is as if they were digging her grave.

2) They must not carry anything together with another person, for that is how corpses are carried, and such carrying would be the cause of death, through imitation of the woman's funeral procession.

153 the sap, which she then mixes with water. The resulting liquid is
157 oily and foams like soap. She places a few drops on a piece of banana leaf and makes a sachet of it. She holds this against the breast for a certain time until the boil, similar to a blood clot or a piece of liver, leaves the breast and enters the sachet. She then shows it to those present. From then on the mother can nurse her child without fear; her milk has become healthy and normal.

137 2) The mother's public confession must include the names
153 of all the men with whom she has had carnal relations since the
164 child's conception. Other groups, such as the Injóló, extend this
173 obligation even to instances preceding that moment but which have not been declared at a previous occasion. The confession is public. The masseuse related to the husband begins to crush the leaves to be used in rubbing the breast; as she moves the pestle and says to the mother, "Name a man." The mother replies by giving a name. The masseuse says nyongo, "indemnity." Then all those present say yɛngô, yɛngô, yɛngô, "absolved." Then it is the other masseuse's turn, and she interrogates the mother in the same way. The process continues till all the names have been cited. If [496] the mother cites the name of a man who is a close relative of her husband and who therefore does not need to pay an indemnity, the masseuse does not reply nyongo. Instead a member of the husband's clan makes the gesture signifying [20] exemption: he holds the kernel of a palm nut (lolikâ) in his left hand and throws it by means of a small board which he holds in his right. Among the Injóló the man takes two kernels and strikes them against each other and then throws them away. Were the woman to suppress a name the child would die. If she has no admission to make, she replies, "No one besides my husband."

The indemnity that must be paid by those who are obligated to do so consists of a hen and a bunch of bananas (or their cash value) which are to be given to the masseuses, who will then divide them. Were the accused to refuse, the husband would demand a regular indemnity from him after the end of the seclusion.

[19] The Bombwanja have this confession at the time of the fastening of the fetus. A few old women married into the clan carry out the interrogation. The kernel of the fruit of the palm is thrown by means of a knife.

595 wife was called Lonkata. This was, however, more a category, for there were sometimes four Lonkata in a harem. The rest were ordinary wives. Among the Ekonda, the first wife was called Nkumokolo, just like the Bomatsa. The second wife was called Ekila or Nkonde. The remaining wives were the ordinary wives of the harem.

595 The first wife, Bomatsa, always remained at home and never
484 left the harem. The second, Ekila or Nkonde, accompanied the polygynist everywhere; she was at his side on all his trips. The Bolumbu usually went completely alone to do errands in other villages.

595 These old customs of priority among the wives are now gradually beginning to disappear.

684 It was forbidden under severe penalty to have relations with the first, second, or third wife of the polygynist. The penalties were death, slavery, or a large fine.

This was their law concerning adultery, enforced with severe punishment.

595 The ordinary wives of the harem were less strictly guarded.
837 This often depended on the jealousy or indifference of the polygynist. Anyone who had relations with these wives had to pay a fine, or rather, a price of prostitution. Since the wives were almost all in the possession of the polygynists, there were naturally many men without a wife. These, then, often had relations with the ordinary wives of the polygynists. Also, the sons of the polygynist had relations with them; the polygynist himself sometimes even had relations with the ordinary wives of his neighbor. This was the bad consequence and the immorality of polygyny.

595 It is easy to understand that the ordinary wives of the polygynist,
586 having relations with others, often left their husband, or rather, their master in order to go to another. The ordinary wives constituted the largest number. It is because of this that one now finds many women who have had three or four, sometimes even seven, different husbands in succession. Among some tribes, [534] the Ekonda among them, they were stricter; a wife who had already left her husband or master two or more times was considered to have little worth.

567 The female slaves who were taken in war were given by the
595 polygynist to his male slaves as wives. They could also be installed in the harem among the ordinary wives. Their children could have the same rights as the other children of the polygynist